

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 849 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THE NEW INDIA ASSURANCE CO. LTD

Versus

PATHUBHA DEVISINH

Appearance:

MR SANDIP C SHAH for Appellant

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/98

ORAL JUDGMENT

#. This Appeal is directed by the Insurance Company against the award of the Motor Accident Claims Tribunal No.3 at Ahmedabad in Motor Accident Claims Petition No.116 of 1982 decided on 8.9.83, awarding therein Rs.53,000/= to the claimant-respondent No.1 as compensation for the death of his son in a motor vehicle accident.

#. From the Memo of appeal, I find that the award has been challenged by the Insurance Company only on the quantum of the amount of compensation awarded in favour of respondent No.1. The judgment has not been challenged on any of the statutory defences available to the Insurance Company in this matter. As the Insurance Company can defend the claim application only on the statutory defence available to it, the Appeal challenging the quantum of compensation awarded by the Tribunal, at the instance of Insurance Company, is not maintainable. It is not the case where the Insurance Company has sought permission of the Tribunal to contest the claim application on the points other than statutory defences available to it.

#. Otherwise also, substantial grievance on merits in this Appeal is on multiplier which has been applied in the present case by the Tribunal. The deceased was aged 22 years and the multiplier of 20 years has been given. What the learned counsel for the appellant contended that the multiplier should have been of 15 years. However, this contention otherwise does not stand to any merits, as in the case of S.Chandra & Ors. v. Pallavan Transport Corpn., reported in (1994)2 SCC 189, the Apex Court has given multiplier of 20 years in a case where the age of the deceased was of 42 years.

#. In the result, this Appeal fails and the same is dismissed.

.....

(sunil)